United Nations S/AC.37/2003/2

Security Council

Distr.: General
24 January 2003

Original: English

Security Council Committee established pursuant to resolution 1267 (1999)

Letter dated 20 January 2003 from the Permanent Representative of Georgia to the United Nations addressed to the Chairman of the Committee

I have the honour pursuant to paragraph 6 of Security Council resolution 1390 (2002) to transmit the report on recent counter-terrorism activities undertaken by the government agencies of Georgia, prepared by the Anti-Terrorism Committee of the National Security Council of Georgia (see annex).

(*Signed*) Revaz **Adamia**
Permanent Representative

03-22359 (E) 290103

Annex to the letter dated 20 January 2003 from the Permanent Representative of Georgia to the United Nations addressed to the Chairman of the Committee

Report on recent counter-terrorism activities undertaken by the government agencies of Georgia

To execute the №1373 resolution of 28th September of 2001 of the organization of United Nations and to accomplish the Georgian program of co-operative activities in the international anti-terrorist fight there have been carried out the following common activities during the last six months by the Ministry of State Security of Georgia.

The appropriate and controlling activities have been passed in order to prevent financing of terrorists with the humanitarian, religious and cultural organizations, concretely:
As a result of passed measures the activities of such radical Islamic followers' organizations as "Al-Haramanei", "The World Assembly of Muslim Youth" (WAMY), the international humanitarian organization "As-Salam" in Georgia have been suppressed . The heads and activists of the noted organizations are considered as undesirable persons for Georgia and they are put under the border control.

Besides this, the attempt of bringing the radical-Islamic and Vahabit propagandistic materials in the Georgian territory have been cut off not only once, specifically as a result of accomplished activities the attempt of emissaries of one of the islamic organization to enter Tbilisi was suppressed, their aim was to spread "Vahabism" in the Pankisi Gorge . The noted persons were detained at the Tbilisi Airport, the black flags with the appeals of "Jihad", "Vahabit" literature and laser disks prepared by the television of one of the radical-Islamist organization "Hakak TV", audio records with the Jihad appealing were seized from them. Above mentioned persons were exiled from the Georgian territory and were put under the border control.
The members of above mentioned radical-Islamic organizations try to create different types of organizations to carry out their intentions, concretely, Dutch Ismail Imad Eldil Bakri was exposed, who is the active member of one of the radical-Islamist organization and through the "Georgian medical company" based in Georgia tried to assist "Mojaheds" fighting in Chechnya. The activity of this person is put under the border control

Operative-detective activities have been conducted regularly in order to suppress the attempt of creating the organizations and interest groups, that

support terrorist activities with the finances and provide various types of assistance within and out of the country, specifically:
The activity of so called "Peace March and International Peacekeeping Initiative" organization which is based in Georgia was suppressed. This organization was established by the persons of Chechen nationality and was registered formally in the appropriate organs of Georgia. At the base of obtained materials it was concluded that the real aim of the organization differs from the formally presented; it aimed to organize mass illegal demonstrations and to blow religious and ethnic enmity. The activity of the organization was cut off according to the procedures foreseen by the law.

The appropriate activities are being carried out to check perfectly humanitarian organization "Madli" that was formally established by the persons of Chechen nationality. The financing sources and links of organization with the different Islamic organizations were detected. In order to expose possibly illegal activity and documentation of "Madli" the active checking of its activity is being pursued with the help of foreign colleagues.
Analogical activities are pursued toward the "Islamic International Humanitarian Organization" (I.I.R.O.) The data about the activists of the noted organization is established who tried to spread their activities on the Georgian territory. The work is being conducted to detect their linkage to the radical-Islamic organizations.

The ministry of state security conducts operative-detective activities of terrorists from Georgia towards the other states, concretely:
On 14 July 2002 the citizen of the federation of Russia A. Dekushev was detained wanted by the Russian law enforcement bodies as the one of the participant of explosion of two multistory houses in Moscow on 8 and 13 September 1999, as a result of which 233 inhabitants and 150 persons were injured. Georgian office of general prosecutor satisfied the demand of the office of general prosecutor of Russia about the extradition of the detained persons at the basis of which he was extradited on 14 July of the current year.
The information has been received about the citizen of Turkish Metin Elfer, he has brought in Georgia the mechanism for activating exploding materials. He admitted that he tried to bring the noted mechanisms in the Pankisi Gorge. The above noted person was extradited to the Turkish side, where the criminal case was raised towards him;
With the operative point of view the interesting information was received about the planned terrorist acts in the North Caucasus region of the federation of Russia. The signs characterizing terrorist groups, data about their possible links were transmitted to the Russian special services.

In the high mountainous region of Georgia there were detained several armed groups of North Caucasians, the members of which crossed the Georgian border illegally. As a result of investigation was exposed connection of the detained persons with the radical-Islamic terrorist organizations in Russia. Afterwards five persons against whom the office of general prosecutor of Russia has trustworthy evidences of criminal activities have been extradited to Russia.

Nowadays, the question of extradition of several Chechens to Russia is being discussed. Foreseeing the existed regulations and international norms the arrested people can complaint the decision of their extradition in the Georgian judicial structures.

In connection with the terrorist acts carried out in the USA on 11 September of 2001 operative work is being conducted together with the partners of special services of CIS and other states in order to expose and suppress the activities of the members of international terrorist organization. According to the information provided through the line of international co-operation more than thirty persons are being wanted. They are put under the border control, the complex operative-detective activities are being carried out to find out their location.

The units of the ministry of Georgian state security, as well as the units of internal ministry and other law enforcement bodies take active part in these operations. The tools of the ministry of external affairs of Georgia are actively used during the exchange of formal information.
As a result of viable complex activities fifty-four persons were exiled from Georgia as the persons who have connection with the islamic extremist and terrorist organizations, among them twenty-four persons were the citizens of Turkey, four were the citizens of Great Britain, one – citizen of Germany, two – citizen of France, eleven – citizens of Jordan, seven – citizens of Iran and etc.

we work together with the ministry of state security of Azerbaijan in order to find out and check the persons in Marneuli who might have links with the international Islamic organizations.
As a result of accomplished activities it became possible to free the citizen of Great Britain, the expert of European Union on financial issues Peter Shaw.
There is obtained a quantity of important information about the members of the network of the terrorist organization "Al-Quaeda", also about the training bases of "Taliban" based in Afganistan and about the route of so called "Mojaheds" and hired fighters.

From the specification and characteristic of the Pankisi Gorge conducting the wide-scale operations there without the advance preparing works would give especially heavy result.
After the advance preparation, in which the role of American partners is quite important, with the method of operative coercion it became possible to constrict military formations and criminal groups.

As a result of carried out anti-terrorist and anti-criminal activities Chechen field commanders together with their groups left the Pankisi Gorge.
After the operation fifty-seven persons were detained, criminal case is raised for illegal crossing of Georgian state border and for co-operation with the international terrorist organizations, on more than twenty-four persons from them.
Twenty-two persons were arrested for various criminal faults.
In the cache on the territory of the Pankisi Gorge were found out great number of automatic weapons, fighting materials, anti-tank and anti-air transferring devices.

On December 6 as a result of anti-terrorist operation near Lagodekhi the group of five men was liquidated by the group of special appointment of the ministry of security, the members of this group were wanted for organizing terrorist acts in Moscow.

Between village Kabal and Lagodekhi, on the motorway, the special group of ministry of security stopped the noted group, surrounded it and made the warning shooting in the air. This was followed by the responding fire from the terrorists' side. As a result of double-sided fire one of the fighters of the special group was wounded. The terrorists were equipped with automatic weapons and bombshells. They also had so called "Shahid's belts" - self-made exploding device. One of the terrorists managed to use it and exploded himself. As a result of the special operation four members were killed on the place of operation. One was heavily wounded, who died later that night. The life of the wounded fighter of the special group is not in danger any more.
The ministry of state security possessed the operative information about the noted terrorist group. It was known that the terrorists were Karachis. They were wanted by the FCS (Federal Council of Security) of Russia and INTERPOL for explosion of houses in Moscow. The members of terrorist group moved from Russia to the Pankisi Gorge, where they hid themselves for a long time. As a result of operative-intelligence activities the ministry of security provoked them to move. They had left the Georgian territory and moved to the Georgian - Azeri border. According to the existed information they were going to take hostage and leave the Georgian territory.

For now the identities of three Karachis are identified They are:

1. Tigar Bajiev – the head of the terrorist group, spiritual father - "Emir" (he exploded himself)
2. Timur Batchaev – the organizer of terrorist act in Moscow
3. Rashid Khubiev – the participant of the terrorist act of Moscow.

According to the preliminary data there were persons in this group, who guided Karachi terrorists. Their identification is being detected.
Above mentioned operations will have permanent character. Georgian law enforcement bodies will do their best to recover the situation and to strengthen legality in the Pankisi Gorge, as well as in the state entirely.

According to resolution of Security Council dated by 28th September of 2001 #1373, some liabilities are considered for UN member-states to exercise measures for prevention of terrorism, which has to be done be the way of taking the prevention measures and by increasing punishment level for crime, the Ministry of Justice of Georgia has prepared a legislative package for changes and additions in the "Criminal Code of Georgia and in "In Criminal Proceedings Code of Georgia".

According to changes and additions in the "Criminal Code of Georgia", there is a strengthening of criminal sanctions for terrorist crimes in articles 323 (terrorist act), article 327 (establishing terrorist organization or management or participation) and article 328 (association with foreign country's terrorist organization or with subordinated organization). By this change, terrorist crimes according to 12th article of Criminal Code of Georgia is considered as grieve crime and from this point of view criminal responsibility will cover preparation of here above crimes, because according to 18th article of Criminal Code criminal responsibility will occur only in time of preparation of grieve crime.

Also, a new crime – cyber terrorism, is added to Criminal Code, which will consider responsibility for use of threat and receiving and using legally protected computerized information by illegal ways, if such action is against security of society, state strategic political and economic interest, committed for frightening of population or/and for pressure on government body.

Taking in account the new crime - cyber terrorism, qualified circumstances is added to article 324 (technological terrorism) in accordance to that responsibility is considered for the same committed action, which had a damage or hard result.

In accordance to draft of law of "additions to Georgia's Criminal proceedings Code" the second part is added to Georgia's Criminal proceeding Code Article 190 (the objective and basis property seizure) in

accordance with which the activity for seizure of property is used for preparation of terrorism and grieve crimes , if there was information that this property has been used for this crime.

Mentioned legislative acts was discussed and satisfied by Georgia's government and was transferred to parliament. According to autumn project of legislation work of parliament for the year 2002, these acts will be discussed on the parliament's autumn session.

On the basis of information we get from the Embassy of United States of America, we continue receiving information from Georgian banking offices concerning to terrorist groups and their sponsors. As before such accounts haven't be found in banking systems. The problem of mechanism for freezing accounts isn't solved yet and we tried to link this question to anti-money laundering measures. As you know on the basis of the resolution №395 of April 7 2002 by the president of Georgia, concerning anti "black money legalization" measures, the interagency coordination group has been formed. As a result of working of the group the appropriate bill have been drafted that was discussed at the government session and in the near future it is going to be sent to the parliament as well. On the advice of the National Bank of Georgia requirement for disclosing deals concerning terrorism is taken into account in the draft law, simultaneously the financial monitoring service is responsible for freezing accounts in that case, this partly meets requirements for anti-terrorism measures.

Some steps have been taken in order to arise efficacy of monitoring and licensing. National Bank of Georgia according to the recommendations of International Monetary Fund, carried out "Criterion for Director Qualification". It is remarkable that the changes in "the law of commercial banks" was produced to the parliament for discussion for the third time. In this way requirements for owners and monitoring members of bank can be established These requirements means to deny access for criminals to the banking sector. Unfortunately till now it isn't possible to gain support to these initiatives from members of Georgian parliament despite the fact that international standards related to the banking regulation as well as recommendations of International Monetary Fund, world bank and European council take into account right of the National Bank to deny suggestions for commercial bank control changing.

According to the information received in April of current year, it is necessary to implement established international standards related to fighting against terrorism (The 8th special recommendation of FATF). These standards demands from countries ratification and establishment of United Nations' instruments, in particular ratification of United Nations'

international convention of 1999 concerning "Prohibition of Financing Terrorism" and establishment of United Nations Council resolution №1373. It is also necessary to ratify Strasburg convention.
Despite the fact that appropriate International conventions aren't ratified and our possibility for freezing accounts related to terrorism is limited, National Bank of Georgia continues active co-operation with the Embassy of United States of America and the Treasury Department from which we still receive information regarding terrorists and their supporters and their accounts are examined in commercial banks if there are any. Since September 11th there haven't been discovered any terrorists' accounts in the banking system.

It is remarkable that ratification of International conventions and establishment of the law against "money laundering" will give additional efficacy to the National Bank to participate in anti-terrorism activities.